

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SILAS CALHOUN and
EMILY CALHOUN, Individually and as
Parents and Next Friends of ESTELLA
CALHOUN,
Plaintiffs

CIVIL ACTION NO. 04-10480-RGS

v.

UNITED STATES OF AMERICA,
Defendant

JOINT STATEMENT OF THE PARTIES REGARDING TRIAL

Per the Court's Order regulating non-jury trial scheduled on April 9, 2007, the parties submit the following:

1. **STIPULATION OF FACTS AGREED TO BY THE PARTIES**

This is an action of medical negligence brought by the plaintiffs against the United States of America. The parties agree as to the dates of treatment of the minor plaintiff, Estella Calhoun, but are in dispute with respect to issues of liability, causation and damages.

2. **EXHIBITS**

The Exhibit List attached hereto identifies the numbered exhibits agreed to by the parties and a single exhibit which has been objected to by the defendant, marked A.

3. **LIST OF PROSPECTIVE WITNESSES**

For plaintiff:

- a. Silas Calhoun
- b. Emily Calhoun
- c. Judith Burnim
- d. Dr. Todd Elwyn
- e. Dr. Marlene Wust-Smith

- f. Dr. Edward Hart
- g. Dr. Douglas Whiteside
- h. Dr. Marion Sutton (portions of her deposition transcript).

For Defendant:

- a. Dr. Steven Ringer
- b. Dr. Ellen Grant
- c. Dr. Gregory Yim
- d. Dr. Jefferson Prince
- e. Airman Paul Best (by deposition transcript)
- f. Airman Van Hoang (by deposition transcript)

4. **DEPOSITIONS TO BE USED AT TRIAL**

The plaintiff intends to offer the audiovisual depositions of three of its expert witnesses, Dr. Marlene Wust-Smith, Dr. Todd Elwyn, and Dr. Douglas Whiteside. The plaintiff also intends to offer portions of the deposition transcript of Dr. Marion Sutton. The defendant objects to the introduction of testimony beginning on page 11 at line 23 through page 12 line 6 as hearsay and lines 1 through 6 on page 36 as speculative.

The defendant intends to introduce the depositions of Van Hoang and Paul Best. The plaintiff does not object to the introduction of this testimony.

SILAS CALHOUN and
EMILY CALHOUN, Individually and as
Parents and Next Friends of ESTELLA
CALHOUN,
By their attorney,

UNITED STATES OF AMERICA,
By its attorney,

/s/ Michael S. Appel
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CERTIFICATE OF SERVICE

I, Michael A. Appel, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 5, 2007..

/s/ Michael S. Appel

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